

Attorney Docket #: E6026-500
App. Serial No.: 10/825,516
Art Unit: 3641
Amendment: February 5, 2007

REMARKS

This reply is responsive to the non-office action mailed October 5, 2006 ("Office Action"). Applicant thanks the Examiner for the indication of allowable subject matter in claims 7, 10, 11, 17, and 26. Claims 7, 10, and 17 have been rewritten in independent form to include all the limitations of the claims from which they depends and are in condition for allowance. Claim 11 depends from claim 10 and should be allowable based on the allowability of claim 10. Claims 1, 6, 8, 12, and 22 have also been amended. Withdrawn claims 20-21 have been cancelled without prejudice or disclaimer to place the application in condition for allowance. Claims 1-19 and 22-26 remain pending in the application. The claim rejections are addressed below. No new matter is added.

CLAIMS REJECTIONS

Rejections under 35 U.S.C. § 112

Claims 6-8, 17, and 18 stand rejected under 35 U.S.C. 112, second paragraph for lack of antecedent basis regarding "the blocking member limitation." The claims have been amended to address these rejections. Accordingly, Applicants respectfully request these rejections be withdrawn.

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Rejections under 35 U.S.C. § 102(b)

Claims 1-6, 8, 12-16, 18, 19, and 22-25 stand rejected as anticipated by United States Patent 5,438,784 to Lenkarski et al. ("Lenkarski"). Claims 1, 12, and 22 are independent. This rejection is respectfully traversed for the reasons presented below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The preamble of independent claims 1, 12, and 22 have been amended to clarify that Applicant's claims are directed to "An autoloading pistol with firing pin blocking magazine disconnect mechanism." These claims all similarly require a blocking member that directly engages the firing pin and an actuator that is movable in response to removing and inserting the magazine. The actuator as claimed acts on the blocking member to engage or disengage the blocking member from the firing pin to prevent or allow respectively the pistol to be discharged, depending on whether the magazine is present in the pistol. For example, claim 1 requires *inter alia* a blocking member movable into and out of engagement with the firing pin; and an actuator that disengages the blocking member from the firing pin when the magazine is inserted in the pistol and engages the blocking member with the firing pin when the magazine is removed from the pistol so that the firing pin is prevented from moving toward and contacting a cartridge in the chamber. Claims 12 and 22 contain similar limitations with respect to the blocking member and

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blocking member actuator. Lenkarski does not teach or fairly suggest these express limitations of claims 1, 12, and 22.

Lenkarski discloses a magazine disconnect that engages and blocks movement of the sear, not the firing pin as claimed, when the magazine is removed from the pistol. Lenkarski teaches a safety lever 20 that drops vertically and engages the sear pin 32 when the magazine is removed. (See Lenkarski, FIG. 2 and Col. 3, line 57- Col. 4, line 18.) The pistol cannot be fired since normal movement of the sear 30 and trigger bar 9 (coupled to the sear via sear pin 32) in response to a trigger pull are arrested when the magazine is removed from the pistol.

Accordingly, the sear 30 cannot move rearwards to cock and release the firing pin 82.

Lenkarski does not teach or suggest a magazine disconnect as variously recited in Applicant's claims 1, 12, and 22 that has a moveable firing pin blocking member that engages the firing pin (via the claimed actuator) in response to the presence or absence of the magazine in the pistol.

Because Lenkarski does not disclose each and every limitation of Applicant's claims, it is submitted that claims 1, 12, and 22 are not anticipated by Lenkarski. *Verdegaal Bros.*, 814 F.2d at 631. Allowance is respectfully requested.

Moreover, Lenkarski is of the type of magazine disconnect mechanisms recognized in Applicant's own "Background of the Invention" that functions by arresting movement of the trigger linkage (see Paragraph 0002). These types of mechanisms have the disadvantage in that they can be circumvented in certain instances by partially pulling the trigger so that a slot and interlocking pin/lug in the mechanism moves past the point where the pin/lug is no longer aligned with the slot, and then removing the magazine. When the magazine is removed, the pin/lug cannot drop into the slot to disable firing of the pistol. If a cartridge remains in the

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chamber, the pistol can still be discharged even though the magazine has been removed. (See Applicant's disclosure, Paragraph 0003.) Considering Applicant's invention as a whole, MPEP 2141.02 (citing *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530 (Fed. Cir. 1983)), the "firing pin blocking magazine disconnect mechanism" recited in claims 1, 12, and 22 advantageously directly engages and arrests movement of the firing pin independently from the trigger assembly in mechanisms like Lenkarski. Therefore, Applicants claimed structure beneficially cannot be defeated by a partial trigger pull and then removing the magazine. Allowance of claims 1, 12, and 22 is respectfully requested for these additional reasons.

Dependent claims 2-6 and 8-9 depend directly or indirectly from independent claim 1 and include all of its limitations. Accordingly, these dependent claims are believed to be allowable based on the allowability of claim 1 and for the additional limitations added by these claims which further distinguish over the prior art.

Dependent claims 13-16 and 18-19 depend directly or indirectly from independent claim 12 and include all of its limitations. Accordingly, these dependent claims are believed to be allowable based on the allowability of claim 12 and for the additional limitations added by these claims which further distinguish over the prior art.

Dependent claims 23-26 depend directly or indirectly from independent claim 22 and include all of its limitations. Accordingly, these dependent claims are believed to be allowable based on the allowability of claim 22 and for the additional limitations added by these claims which further distinguish over the prior art.

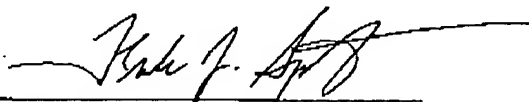
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CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of all pending claims. If the Examiner disagrees with the allowability of the claims, or if there are any remaining issues that may be resolved by telephone to expedite allowance, the Examiner is kindly requested to contact the Applicant's undersigned representative at 215.979.1554.

Respectfully submitted,

Dated: February 5, 2007

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